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Board of Vocational Nursing
and Psychiatric Technicians

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. PT-2009-3707

**CHARLOTTE A. HENNINGHAM, AKA
CHARLOTTE A. LUCKEY
180 E. Sandra
Tulare, CA 93274
Psychiatric Technician License No. PT 26428**

A C C U S A T I O N

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

Psychiatric Technician License

2. On or about April 25, 1989, the Board issued Psychiatric Technician License Number PT 26428 to Charlotte A. Henningham, also known as Charlotte A. Luckey ("Respondent"). The psychiatric technician license expired on May 31, 2009, and has not been renewed.

STATUTORY PROVISIONS

3. Section 4520 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensed psychiatric technician for any reason provided in

Article 3 (commencing with section 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.)

4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Bureau jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 4545, the Bureau may renew an expired license at any time within four years after the expiration.

5. Code section 4521, states, in pertinent part:

The board may suspend or revoke a license issued under this chapter [the Psychiatric Technicians Law (Bus. & Prof Code, 4500, et seq.)] for any of the following reasons:

(f) Conviction of any offense substantially related to the qualifications, functions, and duties of a psychiatric technician, in which event the record of the conviction shall be conclusive evidence of the conviction. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline.

6. Code section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Criminal Conviction)

7. Respondent has subjected his license to discipline pursuant to Code section 4521, subdivision (f) in that Respondent has been convicted of the following crime that is substantially related to the qualifications, functions, or duties of a psychiatric technician:

a. On or about July 7, 2010, in the Superior Court, County of Tulare, California, in the matter entitled *People vs. Charlotte Ann Luckey*, 2010, Case No. VCF235050, Respondent was convicted following her plea of nolo contendere of a violation of Penal Code section 273d subdivision (a) (child abuse), a felony with a special allegation for use of a deadly weapon, to wit, a belt, said use not being an element of the above offense, within the meaning of Penal Code section 12022, subdivision (b)(1), and causing the above offense to be a serious felony within the


1 meaning of Penal Code section 1192.7, subdivision (c)(24). The circumstances of the crime are
2 that on or about March 17, 2010, Respondent was arrested for willfully and unlawfully inflicting
3 cruel and inhuman corporal punishment and injury, resulting in a traumatic condition upon a
4 child, to wit, L.R., who was in the care of Respondent, who had guardianship over L.R.

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
8 issue a decision:

- 9 1. Revoking or suspending Psychiatric Technician License Number PT 26428, issued to
10 Charlotte A. Henningham, also known as Charlotte A. Luckey;
11 2. Ordering Charlotte A. Henningham, also known as Charlotte A. Luckey to pay the
12 Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the
13 investigation and enforcement of this case, pursuant to Business and Professions Code section
14 125.3; and,
15 3. Taking such other and further action as deemed necessary and proper.

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17
18 DATED: May 13, 2011.

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20 TERESA BELLO-JONES, J.D., M.S.N., R.N.
21 Executive Officer
22 Board of Vocational Nursing and Psychiatric Technicians
23 Department of Consumer Affairs
24 State of California
25 Complainant

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